

### REMARKS

In the last Office Action, claims 1-3 were rejected under 35 U.S.C. §102(b) as being anticipated by US 6,203,525 to Whayne et al. ("Whayne"). Claims 4-9 were objected to as being in improper multiple dependent form and were not further treated on the merits. The drawings filed with the application were accepted by the Examiner. Acknowledgement was made of applicant's claim for foreign priority under 35 U.S.C. §119 as well as receipt of the priority document, thereby perfecting the foreign priority claim. The Examiner also acknowledged consideration of the information disclosure statement previously submitted by applicant.

In accordance with this response, original claims 1-9 have been replaced by new claims 10-29. The specification has been revised in editorial respects and to provide a direct antecedent basis for the claim language.

The present invention relates to a device, such as a tube or catheter, for introduction into a body duct or passage. The device comprises an outer tubular (envelope) body, an inner tubular body that is at least partially peripherally surrounded by the outer body, and means for controlling relative movement between the inner and outer bodies to control the flexibility/rigidity of the device.

In the device recited in independent claim 10, an illustrative example of which is shown in Figs. 4-5, the outer and inner bodies 10,11 each have a polygonal cross section and are rotated relative to one another by a control device in such a way that the inner body makes contact with the outer body. As shown in Fig. 4, when the inner and outer bodies are not in contact with one another, the device has greater flexibility whereas when the inner and outer bodies are relatively rotated as shown in Fig. 5 such that the inner body 11 contacts the outer body 10, the device has greater rigidity for stiffness.

Independent claim 22 recites a device for insertion into a body passage, comprising an inner tubular body extending lengthwise in an outer tubular body, wherein the inner and outer bodies have polygonal cross sections and are movable relative to one another to impart flexibility to the device and are selectively rotationally movable relative to one another to a limited extent to bring the inner and outer bodies into contact with one another to impart stiffness to the device.

The reference to Whayne applied against the original claims discloses a catheter assembly having concentrically arranged, relatively movable inner and outer bodies 26,28. A spline 26 (Fig. 2A) or a tapered wire 30 (Fig. 2B) is provided

to adjust the stiffness of the inner body 28. A multiple electrode structure 20 having electrode elements 22 is attached to the distal end of the inner body 28. If it is desired to prevent relative rotation between the inner and outer bodies 28 and 36 to maintain the electrode elements 22 in a fixed orientation, the bodies may have an elliptically keyed arrangement (Fig. 8A). If it is desired to permit a small range of relative rotation between the inner and outer bodies 28', 36', the interior of the outer body 36' is shaped to permit limited rotation of the inner body 28' (Fig. 8B).

In the Whayne device, the inner and outer bodies 28, 36 do not have polygonal cross sections, as required by claims 10 and 22. Moreover, in Whayne, the stiffness or rigidity of the device is determined by the flexible spline 26 or the tapered wire 30 (column 6, lines 1-24) whereas claim 10 requires that the control device enables and impedes relative movement between the outer and inner bodies to respectively impart flexibility and rigidity to the entire device, and claim 22 recites that the inner and outer bodies are relatively movable to impart flexibility to the device and are selectively rotationally movable relative to one another to a limited extent to bring the inner and outer bodies into contact with one another to impart stiffness to the device. As Whayne neither disclosure nor suggests a device resembling

that recited in claims 10 and 22, the reference does not anticipate or render obvious the claimed invention under Sections 102 and 103.

Independent claim 16 recites a device for at least partial introduction into a body passage, comprising an outer envelope body, an inner body that is at least partially peripherally surrounded by the outer body, and a control device that enables and impedes relative movement between the outer and inner bodies to respectively impart flexibility and rigidity to the entire device in a controllable manner. The claim further recites that the control device is formed by the arrangement and embodiment of the outer and inner bodies and comprises no additional mechanical means in an annular intermediate region between the outer and inner bodies, and that the control device and the outer and inner bodies are embodied in such a way that magnetic fields of different polarity are capable of being generated along the lengths of the outer and inner bodies for the selective production of a mutual attraction of the two bodies.

Independent claim 26 recites a device for insertion into a body passage, comprising an outer tubular body, an inner tubular body extending lengthwise in the outer body with an annular space between the two bodies, the inner and outer bodies being movable relative to one another to impart

flexibility to the device. The claim further recites means for selectively creating magnetic attraction forces between the inner and outer bodies along the lengths thereof to restrain relative movement between the two bodies to impart stiffness to the device.

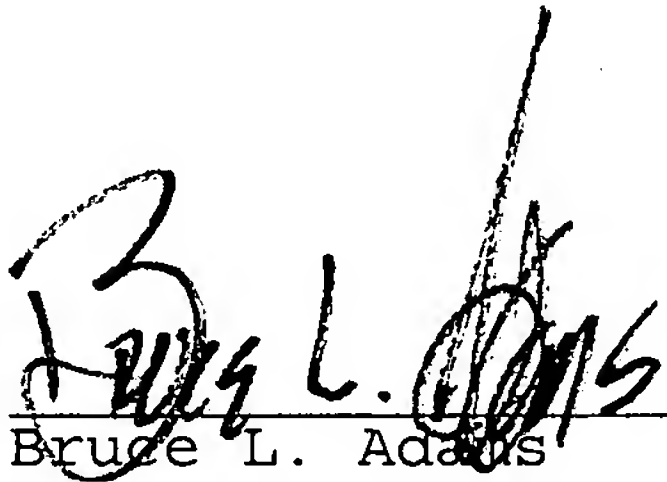
Whayne does not disclose a device similar to that recited in claims 16 and 26. In the Whayne device, the electrode elements 22 are provided at the distal end of the inner body 12,28 and are provided to sense electrical events in heart tissue or to transmit electrical pulses to heart tissue (column 5, lines 50-59). There is no disclosure in Whayne of generating magnetic fields of different polarity along the lengths of the inner and outer bodies 28,36 for the selective production of the mutual attraction of the two bodies (claim 16) or of means for selectively creating magnetic attraction forces between the inner and outer bodies 28,36 along the lengths thereof to restrain relative movement between the two bodies to impart stiffness to the device (claim 26). Whayne, therefore, does not anticipate or render obvious the claimed subject matter under Sections 102,103.

The dependent claims set forth further features of the present invention that likewise are not taught by Whayne. Thus the dependent claims separately patentably distinguish over Whayne.

In view of the foregoing, the application is now believed to be in allowable form. Accordingly, favorable reconsideration and passage of the application to issue are respectfully requested.

Respectfully submitted,

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OCTOBER 27, 2008

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